

United States Department of Justice  
Office of the United States Trustee  
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Lisa L. Lambert,  
for the United States Trustee  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re:</b>	§	
	§	<b>Case No. 24-80040-SGJ-11</b>
<b>Eiger BioPharmaceuticals, Inc., et al.,</b>	§	
	§	
	§	<b>CHAPTER 11</b>
	§	<b>Hearings 04/23/24 at 9:30 am</b>
	§	
<b>Debtors-in-Possession.</b>	§	<b>Jointly Administered</b>

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**United States Trustee's Comment to Motion to Use Cash Collateral and  
Motion to Sell Zovinky Assets  
(Docket Nos. 13, 16)**

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TO THE HONORABLE STACEY G. JERNIGAN,  
CHIEF JUDGE, U.S. BANKRUPTCY COURT:

Kevin M. Epstein, the United States Trustee for Region 6 ("United States Trustee"), comments as follows on the Motion to Use Cash Collateral (docket entry 13) and the Motion to Sell Zovinky Assets (docket entry 16):

1. The United States Trustee does not oppose cash collateral relief or the sale of the Zovinky Assets but comments solely on any venue language in the proposed orders.

2. Based on the four-corners of the petition in this bankruptcy case and on filed declarations, the United States Trustee filed an emergency motion to dismiss or transfer, contending that venue is improper in these cases.

3. By email, the Court informed the parties that the venue issues could not be considered before the hearings set for April 23 and that the venue motion would be set for hearing on May 7, 2024.

4. Because the United States Trustee has challenged venue and because that venue hearing is set for May 7, 2024, the United States Trustee requests that the Court exclude any findings regarding venue in any further cash collateral order or any sale order and that the Court specify that these issues are reserved for the May 7, 2024, hearing.

### **Conclusion**

The United States Trustee respectfully requests that the Court tailor any final cash collateral or Zovniky final order by specifying that venue will be tried, in all respects, on May 7, 2024. The United States Trustee further respectfully requests that the Court grant any other relief to which he might be entitled.

DATED: April 11, 2024

Respectfully submitted,

KEVIN M. EPSTEIN  
UNITED STATES TRUSTEE

/s/ Lisa L. Lambert

Lisa L. Lambert

Asst. U.S. Trustee

Texas State Bar No. 11844250 (Also by New York)

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**Certificate of Service**

I certify that on April 22, 2024, I sent this comment by notice through ECF.

/s/ Lisa.L. Lambert

Lisa L. Lambert